Civil Revision No.4729 of 2003

Rakesh Kumar Vs. Gram Panchayat of Village Maghar Mudhian

Present: None for the parties.

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Permod Kohil, J. (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for quashing the part of the order dated 25.9.2000 passed by the Additional Civil Judge (Sr.Divn.) Gurdaspur and the order dated 14.2.2002 passed by the Additional District Judge, Gurdaspur whereby the application under Order 39 Rule 1 and 2 CPC has been dismissed in respect of land measuring 29-Kanals.

In a suit filed by the present petitioner against the respondents for declaration and permanent injunction, application under Order 39 Rule 1 and 2 CPC was filed. The trial Court vide its order dated 25.9.2000 maintained the interim injunction restraining the defendants from interfering in the cultivating possession of the plaintiff over the land measuring 68 kanals detailed in clause -A of head note of the plaint during the pendency of the suit except in due course of law. The prayer for grant of injunction in respect of 29 kanals was however denied.

The plaintiff preferred an appeal in the court of Additional District Judge, Gurdaspur in respect of the part of prayer declined by the trial Court. The appellate Court dismissed the appeal vide order dated 14.2.2002 maintaining the order of the trial Court.

In this revision petition, when notice of motion was issued, the parties were directed to maintain status quo. This petition is pending for the last seven years. The parties has chosen not to appear.

In the totality of the circumstances, I do not find any valid ground to interfere in the impugned order which has been passed on the basis of the facts on record.

There is no ground to interfere in the impugned order. this petition is accordingly, dismissed.

(Permod Kohli)
Judge

04.08.2010
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